

Olympia Municipal Court
Local Court Rules

Table of Rules

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| OMCLR 1 | Adoption and Scope of Local Rules |
| OMCLR 2 | Title of Rules |
| OMCLR 3 | Video Conference Proceedings |
| OMCLR 4 | Arraignment |
| OMCLR 5 | Discovery - Assigned Counsel |
| OMCLR 6 | Pretrial Motions |
| OMCLR 7 | Pretrial Hearings |
| OMCLR 8 | Continuances |
| OMCLR 9 | Evidence - Court's Custody of Exhibits |
| OMCLR 10 | Decision on Written Statements |
| OMCLR 10 | Infractions Discovery - Rescinded September 1, 2009 |
| OMCLR 11 | Infractions - Fines - No Proof of Liability Insurance |
| OMCLR 12 | Infractions - Fines - No Valid License With Valid Id |

OMCLR 1 ADOPTION AND SCOPE OF LOCAL RULES

These rules are adopted pursuant to GR 7, CrRLJ 1.7 and IRLJ 1.3 of the Washington Court rules. These rules govern the procedure in the City of Olympia Municipal Court and are supplemental to the rules enacted by the Washington State Supreme Court for Courts of Limited Jurisdiction. The Court may modify or suspend any of these local Court rules in any given case upon good cause being shown or upon the Court's own motion.

OMCLR 2 TITLE OF RULES

These rules shall be known as the Olympia Municipal Court Local Rules and may be cited as OMCLR.

OMCLR 3 VIDEO CONFERENCE PROCEEDINGS

1. Preliminary appearances as defined by CrR 3.2(B) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak with each other shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the Court. Any party may request an in-person hearing under this section, which may in the Court's discretion be granted.
2. Other trial court proceedings including the entry of a statement of Defendant on Plea of Guilty as defined by CrR 4.2 and CrRLJ 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the Court pursuant to this local court rule.
3. The judge, counsel, all parties, and the public must be able to see and hear each other during video proceedings, and may speak as permitted by the Court. Video conference

facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

4. For purposes of video conference proceedings, the facsimile signatures of the defendant, counsel, interested parties and the Court will be treated as if they were an original signature. This includes all orders on Judgment and Sentence, No Contact Orders, Statements of Defendant on Plea of Guilty, and other documents or pleadings as the Court shall determine are appropriate or necessary.

OMCLR 4 ARRAIGNMENT

Arraignments shall be in accordance with CrRLJ 3.4 and 4.1. A lawyer may, pursuant to CrRLJ 4.1(d), enter an appearance on behalf of a client except in cases in which the docket or charging document states that one or more of the charges involves domestic violence, harassment, violation of a no contact order, protection order or anti-harassment order, stalking, driving under the influence, physical control, or minor under 21 operating motor vehicle after consuming alcohol - whereupon defendant's presence is mandatory. The Court Clerk may continue an arraignment at the request of the defendant or counsel for no more than two weeks, except in cases in which the docket or charging document states that one or more of the charges involves an offense listed above.

OMCLR 5 DISCOVERY - ASSIGNED COUNSEL

The prosecuting authority shall provide discovery to counsel appointed at public expense within fourteen (14) days of the prosecuting authority's receipt of the order appointing counsel or other notification of appointment by the Court. The order appointing counsel or other notification of appointment by the Court shall be considered a written demand for discovery, thereby triggering the prosecuting authority's discovery obligations under CrRLJ 4.7(a).

OMCLR 6 PRETRIAL MOTIONS

- A. Motions to dismiss or suppress physical, oral or identification evidence other than motions made pursuant to CrRLJ 3.5 shall be in writing supported by legal grounds or authorities, and by an affidavit or document as provided in CrRLJ 3.6 and RCW 9A.72.085 or any law amendatory thereto, setting forth the facts the moving party anticipates will be elicited at a hearing. If there are no disputed facts, the Court shall determine whether an evidentiary hearing is required. If the Court determines no evidentiary hearing is required, the Court shall set forth its reasons for not conducting an evidentiary hearing.
2. Pleadings required for compliance with this rule shall be submitted in writing and filed by the moving party at least 14 days prior to the pretrial motion hearing with the Court and City Prosecutor's Office. Responsive pleadings shall be filed within 10 days from the date of receipt of the motion and supporting pleadings with the moving party and the Court.

OMCLR 7 PRETRIAL HEARINGS

Unless otherwise ordered by the Court in a specific case for good cause, all cases in which a defendant enters a plea of Not Guilty shall be set for a pretrial hearing. The pretrial hearing shall provide an opportunity for negotiation between the parties. The defendant shall be required to attend the pretrial hearing unless specifically excused by the Court. Failure to appear at the pretrial hearing may result in the issuance of a bench warrant and /or forfeiture of any bond or bail. Any disposition reached between the parties shall be stated on the record at the pretrial hearing unless otherwise agreed.

OMCLR 8 CONTINUANCES

Unless otherwise duly noted for motion, all requests to continue pretrial hearings, motions, trial dates, failure to comply hearings, and/or other final dispositions will require the agreement of both parties before such request will be submitted to the Court for approval except as otherwise provided under OMCLR 4. All motions for continuances must be made in writing or on the record.

OMCLR 9 EVIDENCE - COURT'S CUSTODY OF EXHIBITS

In a criminal case, every exhibit in the Court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. For purposes of this rule, the appeal period shall begin on the day of sentencing or deferral of sentencing following a finding of Guilty by the Court. Exhibits not withdrawn shall be delivered by the Court to the Olympia Police Department for disposition as abandoned property; or, if contraband, for destruction. No exhibit shall be released by the Court without its first being receipted for by the receiving person.

OMCLR 10.
DECISION ON WRITTEN STATEMENTS

Mitigation and contested hearings based on written or e-mail statements, given under penalty of perjury as provided for in IRLJ 2.4(b)(4) and IRLJ 2.6(c), are authorized. This court adopts the procedures authorized by IRLJ 3.5. To be considered by the court, the court must receive written or e-mail statement(s) no later than seven (7) calendar days before the scheduled hearing. In accordance with the provisions of IRLJ 3.5, such hearings are not governed by the Rules of Evidence, and there shall be no appeal from a decision on written or e-mail statement(s). Statements authorized by this rule shall be in substantially the following format:

For contested hearings:

I hereby state as follows:

I promise that if it is determined that I committed the infraction for which I was cited, I will pay the monetary penalty authorized by law and

assessed by the court. I understand that the court's decision is final and there shall be no reconsideration or appeal from a decision on a written statement.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date and Place

Signature

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

For mitigation hearings:

I hereby state as follows:

I promise to pay the monetary penalty authorized by law or, at the discretion of the court, any reduced penalty that may be set. I understand that the court's decision is final and there shall be no reconsideration or appeal from a decision on a written statement.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Date and Place

Signature

I understand that if this form is submitted by e-mail, my typed name on the signature line will qualify as my signature for purposes of the above certification.

[Adopted effective January 9, 2006]

OMCLR10.
Infractions Discovery

Discovery requests for material other than a copy of the infraction, the officer's report and the speed measuring device certification must be set for hearing to determine the relevance of such requests.

[Adopted effective September 1, 2000]

[Rescinded effective September 1, 2009]

OMCLR 11
INFRACTIONS - FINES - NO PROOF OF LIABILITY INSURANCE

1. If a person who has been cited with a violation of RCW 46.30.020 (failure to have proof of liability insurance) presents to the Court Clerk evidence that the person had in effect at the time of the citation liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five dollars (\$25.00) administrative costs, the case shall be dismissed and the Court Clerk shall be authorized to make appropriate notation of the dismissal in the Court file. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.

2. If a person charged with violation of RCW 46.30.020 (failure to have proof of liability insurance) is able to show evidence that the person has subsequently obtained liability insurance in conformity with the

requirements of RCW 46.30.020, then the penalty shall be reduced to one hundred fifty dollars (\$150.00) for a first offense, two hundred dollars (\$200.00) for a second offense, and two hundred fifty dollars (\$250.00) or a third or more offense, unless otherwise ordered by the Court. Upon payment of the required penalty as set forth above, the Court Clerk shall be authorized to enter a finding that the infraction was committed, make appropriate notations in the Court record, and the person will be relieved of any further need to appear in Court in connection with the infraction. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction

OMCLR 12
INFRACTIONS - FINES - NO VALID LICENSE WITH VALID ID

If a person charged with violation of RCW 46.20.015 (No Valid Operator's License with Valid Identification) is able to show proof of subsequently acquiring a valid operator's license, then the fine shall be reduced to one hundred fifty dollars (\$150.00) unless otherwise ordered by the Court.

Upon payment of the required penalty as set forth above, the Court Clerk shall be authorized to enter a finding that the infraction was committed, make appropriate notations in the Court record, and the person will be relieved of any further need to appear in Court in connection with the infraction. This section is applicable only if the person charged has otherwise complied with all rules and procedures that govern responding to notices of infraction.
